EDITORS’ WELCOME

Welcome to the second edition of *Ad Hoc*, the biannual online newsletter of the *Melbourne Journal of International Law*. Launched in May this year, *Ad Hoc* is designed to keep our international network informed of the publication of *MJIL*’s latest editions, other *MJIL* happenings and international law events at the University of Melbourne Law School. In the past few months, there have been plenty of these!

*MJIL*’s first Symposium Edition on the theme of ‘the cultures of human rights’ was published in May, and by all accounts has been well received. Our current issue, Edition 7(2), will be released in November. A list of the contents of both editions appears on page 3. On the events front, *MJIL* recently held its annual Cocktail Party, which featured an address by the Hon Gareth Evans AO QC. Earlier in the semester, *MJIL* was delighted to co-host a seminar by Justice Sir Kenneth Keith of the International Court of Justice. A full wrap-up of both events can be found on pages 2 and 4.

Also included in this edition of *Ad Hoc* are our regular Alumni Updates page, which features two of *MJIL*’s former Editors, and our regular survey of international law events at the Melbourne Law School. We hope you enjoy reading this edition of *Ad Hoc*, and we welcome any feedback you may have.

Frances Dunn, Fergus Green and Chian Kee
2006 Editors of the *Melbourne Journal of International Law*

CALL FOR SUBMISSIONS

*MJIL* is now accepting submissions for Edition 8(1) of 2007. The submissions deadline is 31 January 2007. Please contact our Submissions Coordinators at law-mjil@unimelb.edu.au with any queries or for further information. *MJIL* is a fully refereed publication.

http://mjil.law.unimelb.edu.au

INSIDE THIS ISSUE

*MJIL*’s Annual Cocktail Party 2
Contents of *MJIL* Volume 7 3
ICJ Judge Addresses Melbourne Law Students 4
International Law @ Melbourne 5
New Appointments to *MJIL* 5
Alumni Updates 7
Appointment of 2007 Editors 7

CONTACT US

Faculty of Law, 185 Pelham St
University of Melbourne
Victoria Australia 3010
Email: law-mjil@unimelb.edu.au
Tel: +61 3 8344 7913 Fax: +61 3 8344 9774
GARETH EVANS DELIVERS KEYNOTE ADDRESS
AT ANNUAL COCKTAIL PARTY

The annual **MJIL** Cocktail Party was held on Tuesday 22 August in the aptly themed *Te Pasifika* Gallery at the Melbourne Museum. The event was attended by members of **MJIL**'s Advisory and Honorary Advisory Boards, authors, sponsors, international law academics, previous Editors and the current **MJIL** Committee, providing an excellent opportunity for many members of **MJIL**'s support base and Melbourne's international law community to come together.

Amongst other distinguished attendees, including Sir Ninian and Lady Stephen, Justice Chris Maxwell and the Dean of the Melbourne Law School, Professor Michael Crommelin, the **MJIL** Committee was delighted to welcome the Hon Gareth Evans AO QC as the event's keynote speaker. Mr Evans' remarks drew upon his wealth of experience at the forefront of international affairs — a former Australian Foreign Minister, Mr Evans is currently CEO of the Brussels-based NGO the International Crisis Group. He was Co-Chair of the International Commission on Intervention and State Sovereignty (2000–01) and was a member of the UN Secretary-General's High-Level Panel on Threats, Challenges and Change.

Mr Evans discussed his passion for a rules-based international system and shared some of his experiences ‘at the coalface’ of international law, focusing on the complex and politically-charged issues relating to Genocide and other crimes against humanity, the use of force, and weapons of mass destruction. The three Editors, Frances Dunn, Chian Kee and Fergus Green, also addressed the guests, outlining **MJIL**’s many accomplishments this year.

The subsequent, less formal celebration of the Journal’s achievements outlasted the closing hours of all local establishments, with many Members embracing the various rapidly crystallising annual traditions with enthusiasm, making the Editors proud.

Clockwise from above: Past, present and future **MJIL** Editors; Chian Kee, Frances Dunn and Fergus Green with Mr Gareth Evans; Mr Bruce Oswald, Sir Ninian and Lady Stephen and Dean Michael Crommelin.
CONTENTS OF MJIL EDITION 7(2)

The latest Edition of MJIL, Edition 7(2), will be available in November 2006

Articles
How Effective is the International Convention for the Protection of All Persons from Enforced Disappearance Likely to Be in Holding Individuals Criminaly Responsible for Acts of Enforced Disappearance?  
Kirsten Anderson

GM0s in the WTO: A Critique of the Panel’s Legal Reasoning in EC — Biotech  
Caroline Henckels

Legal Limitations on Ensuring Australia’s Maritime Security  
Natalie Klein

Good Faith in WTO Dispute Settlement  
Andrew D Mitchell

Case Note
Salim Ahmed Hamdan, Petitioner v Donald H Rumsfeld, Secretary of Defense: Has the Bush Administration’s Experiment with Military Commissions Come to an End?  
Sarah Finnin

Commentary
Patrick Keyzer and Sam Blay

Book Reviews
The Fluid State: International Law and National Legal Systems by Hilary Charlesworth, Madeleine Chiam, Devika Hovell and George Williams (eds)  
Anne Orford

Unlawful Territorial Situations in International Law: Reconciling Effectiveness, Legality and Legitimacy by Enrico Milano  
Eric Wilson

New Publications in International Law

CONTENTS OF MJIL EDITION 7(1)

The previous Edition of MJIL, Edition 7(1), was released in May 2006

Symposium — The Cultures of Human Rights
Human Rights after Faith — An Introduction to the ‘Cultures of Human Rights’ Symposium  
Anne Orford

Theses on Law, History and Time  
Costas Douzinas

Activism from the Closet: Gay Rights Struggle in Egypt  
Hassan El Menyawi

The ‘Islamic Scarf’ in the European Court of Human Rights  
Carolyn Evans

Hospitality, Politics of Mobility, and the Movement of Service Suppliers under the GATS  
Amir Kordvani

Diplomatic Assurances and the Silence of Human Rights Law  
Gregor Noll

Articles
Terror in the Name of Human Rights  
Tarik Kochi

The United Nations Human Rights Treaty System and the Challenges of Commitment and Compliance in the South Pacific  
Dejo Olawun

Feature
Reconciling the UN Human Rights Regime: Challenges confronng the New UN Human Rights Council  
Philip Alston

Commentary
Philip Lynch

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On Monday 7 August 2006, MJIL was proud to co-host an address at the Melbourne Law School by Justice Sir Kenneth Keith QC KBE of the International Court of Justice.

Justice Keith was appointed to the ICJ in 2005. His Honour studied law at the University of Auckland, Victoria University of Wellington and Harvard Law School, and has worked as a member of the United Nations Secretariat and as Director of the New Zealand Institute of International Affairs. Additionally, he has served as a judge on the Supreme Courts of New Zealand, Samoa, the Cook Islands and Fiji and as a member of the Judicial Committee of the Privy Council in London.

In his address, Justice Keith shared many insights into the operation of the ICJ, providing a personal perspective of the experience of working in a judicial institution whose members are drawn from across the globe, and discussing the challenges and opportunities posed by this diversity. His Honour also described the difficulties presented by the increasingly fact-intensive nature of contemporary disputes, such as those concerning Congo v Uganda and Bosnia-Herzegovina in which his Honour has recently been involved. Finally, Justice Keith commented on his earlier experiences as a litigant representing New Zealand before the Court in the French Nuclear Tests Cases.

The event provided a rare and most valuable opportunity for students and academics within the Law School to hear from a member of the international community’s highest judiciary.
As a leading centre for international law scholarship and teaching, the University of Melbourne Law School continues to attract world-renowned scholars, teachers and practitioners of international law. Each year, the Law School hosts a variety of events and workshops to facilitate and promote these distinguished guests.

- The 2006 Alumni Lecture was presented by Major Michael Mori (US Marine Corps Defense Counsel representing Australian Guantanamo Bay detainee David Hicks). The Lecture was entitled ‘Why David Hicks will not receive a fair trial come his day in Court’ and was held at the Melbourne Law School on 6 April 2006.

- The 2006 Miegunyah Public Lecture on ‘The Roles of Parliaments in Protecting Human Rights: A View from the UK’ was presented by Professor David Feldman, University of Cambridge, on 20 July 2006.

- Mr Suresh Nanwani, currently the Associate Secretary of the Compliance Review Panel at the Asian Development Bank, presented a seminar addressing ‘Trends and Challenges in Accountability Mechanisms of Multilateral Development Banks’ at the Melbourne Law School on 7 September 2006.

- Professor Michael N Schmitt, the 2006 Sir Ninian Stephen Visiting Scholar to the Asia Pacific Centre for Military Law, presented a public lecture on 13 September at the University of Melbourne Law School. The Lecture was entitled ‘International Humanitarian Law and Contemporary Armed Conflict: Can the Law Survive?’. Professor Schmitt considered the way in which the changing nature of warfare is affecting the content, application and interpretation of the Law of Armed Conflict and International Humanitarian Law, with particular reference to the use of technology in armed conflict.

- And coming up…

  - On 22 November 2006, the 2006 Sir Kenneth Bailey Memorial Lecture: ‘Miserable Comforters? International Law as a New Natural Law’, will be presented by Professor Martti Koskenniemi, University of Helsinki and New York University. Professor Koskenniemi is a distinguished practitioner of international law — formerly within the Finnish diplomatic service and as a national member of the United Nations International Law Commission — and his work on the history and theory of international law has made a major contribution to critical study in this field.

  - From 22–24 November, the Institute for International Law and the Humanities will host the Third Melbourne Legal Theory Workshop: ‘Limit, Exception, Emergency, Miracle’, in which leading scholars will address a series of questions about the relations between law, authority, sovereignty, governmentality and the exceptional. [The Workshop is now fully subscribed.]

NEW APPOINTMENTS TO MJIL

MJIL would like to congratulate the following Members on their appointment to the MJIL Editorial Executive Board during second semester 2007:

- Dora Banyasz (Assistant Editor)
- Lucy Dong (Business Manager)
- Anna Hood (Case Note Editor)
- Lauren Knight (Secretary)
- May-Ling Low (Assistant Editor)
- Belinda Parker (Secretary)
- Alexia Staker (Assistant Editor)
- Natasha Sung (Assistant Editor)
- Robert Walker (Commentaries Editor)
- Emily Zhang (Book Review Editor)
MJIL would like to thank its sponsors for their generous support

Allens Arthur Robinson

BLAKE DAWSON WALDRON

LAWYERS

Mellesons Stephen Jaques

RIO TINTO

THE UNIVERSITY OF
MELBOURNE
ALUMNI UPDATES

Heidi Stabb
I graduated in 2004 and completed the Graduate Diploma in Legal Practice at Leo Cussen in October of that year. I was admitted to practice in Victoria at the beginning of November. One week later I began working at Slade Manwaring (http://www.smlaw.com.au/), a small CBD firm in Sydney. The firm specialises in Family Law and Property, but I specialise in Retirement Village and Aged Care law, providing legal advice to churches and para-church organisations on a wide variety of issues and, as a relative junior, whatever else people more senior choose to throw at me (conveyancing, leasing, wills, probate, running up to court on a moment’s notice...).

Beyond work I recently represented the Uniting Church at the World Council of Churches in Porto Alegre, Brazil, and this Christmas I will finally travel to Europe for a short holiday in Switzerland, France and Austria. I plan to spend a great deal of my time in Geneva staring in awe at the buildings that housed the League of Nations, and at anything that says ‘United Nations’. I’ve sung in two concerts at the Opera House (both in 1000+ voice choirs) since I moved to Sydney, and I’m still obsessed with The West Wing and Buffy the Vampire Slayer. Some things never change.

Heidi was a General Member in 2001, an Assistant Editor in 2002 and Editor in 2003.

Andrew Hudson
After finishing as Editor with MJIL at the end of 2001, Andrew spent one year in South America, working for the UNCHR in Ecuador. He then completed articles at Mallesons Stephen Jaques, helping establish their Human Rights Law Group and working as a Migration Agent at the Refugee and Immigration Law Centre. He subsequently worked on obtaining a Charter of Rights as a lawyer at the Brimbank Melton Community Legal Centre.

Heading back overseas as a General Sir John Monash Scholar and Global Public Service Law Scholar, he completed a Masters in international human rights law at NYU School of Law. He also worked with Professor Philip Alston, Human Rights Watch, the Center for Constitutional Rights and the International Center for Transitional Justice, focusing on the compliance of counter-terrorism policies with international human rights law. He is now the Arthur Helton Fellow at Human Rights First in New York, working in the Human Rights Defenders Program in Latin America.

Andrew helped establish MJIL as founding Case Note Editor and was an Editor in 2001.

APPOINTMENT OF 2007 EDITORS

MJIL wishes to congratulate Ms Bronwyn Reddan, Ms Natasha Sung and Mr Robert Walker on their recent election as MJIL Editors for 2007. We wish them all the very best as they embark on the editorship!

Heidi Stabb

Andrew Hudson

Feedback

If you have any contributions, feedback or suggestions regarding Ad Hoc, or if you no longer wish to receive the newsletter, please let us know by emailing us at law-mjil@unimelb.edu.au.

Do You Have Any Alumni News?

If you are a member of MJIL’s alumni and your contact details or situation have changed or are about to change, please drop us a line so that we can update our records: law-mjil@unimelb.edu.au

If you would like to be featured in Alumni Updates in the next edition of Ad Hoc, we would be delighted to hear from you.